

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: The prior art fails to disclose or render obvious a therapeutic device comprising a corresponding upper cover and lower mat coated in a mixture of five powders comprising hematite, mastodon bones, elvan, mica, and loadstone and adjustable in temperature. The device further comprising a plurality of herb essence suppliers, said herb essence suppliers and air pump being connected to the interior space formed by the upper cover and the lower mat as well as a protective suit sized to be worn by a human body and received within the interior space of the upper cover and lower mat.

Applicant amendments received on 01 April 2011 bring the application into condition for allowance. Said amendments to the drawings provide clear support for the claimed and disclosed subject matter of the hose connecting the herb essence suppliers to the suit, as well as the protrusions on the upper cover similar to those found on the lower mat. The specification as been amended to include the recitation towards "hematite" in place of the phrase "fulcrum stone" which remedies the objections to the specification as well as the rejections under 35 USC 112 First Paragraph for lack of enablement. The supplied foreign translation and declaration, received 29 April 2011, provides clear support for amending the specification to correct the mistranslation of "hematite" into "fulcrum stone". The foreign priority document has been incorporated into the domestic application by reference. Applicant's amendments to the claimed "mixture" to fully recite its constituent components and ranges by weight remedy the

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rejections under 35 USC 112 First Paragraph for new matter by clearly demonstrating that Applicant was in possession of the claimed workpiece.

The use of mastodon bones in Far East medicine is documented by the Jeoung-Hee Ha reference which includes experimental data alleging mastodon bones (fossilia mastodi ossis) to have at least an in vivo sedative effect in mice. Furthermore, the function of various mineral compositions to reflect and/or emit far infrared radiation when excited is well documented by the prior art, see Fujino, Shimiz, Jung, and Ardizzone. It is therefore conceivable that the mineral composition of mastodon bones could serve a particular function in reflecting or emitting far infrared radiation, which has been indicated by the prior art to be of particular use in heating a body, particularly in the context of a sauna. Furthermore, it is noted that the question of patentability is not one of efficacy, but rather one of novelty and non-obviousness. While a patented device must possess a specific utility, such a utility of the claimed device as a whole, irrespective of the use of mastodon bones, is confirmed in the prior art of saunas and herb combustion.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM CARPENTER whose telephone number is (571)270-3637. The examiner can normally be reached on Monday through Thursday from 7:00AM-4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William Carpenter/
Examiner, Art Unit 3767
05/03/2011

/Theodore J Stigell/
Primary Examiner, Art Unit 3763